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APPLICATION NO.	- 1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/040,091		10/19/2001	Chad Nelson	12477-010001	8840	
26191	7590	03/28/2003				
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MINNEAPU	LIS, MIN	IS, MN 55402		ART UNIT	PAPER NUMBER	
				3612		
				DATE MAILED: 03/28/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner	BEST AVAILABLE COPY	Application	Applicant(s)						
- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE  MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filed after SIX (6) MONTHS home the emiling date of the communication.  - If the period for reply specified above, such produced shall by details, expect this communication.  - If the period for reply specified above, such produced shall by details, expect the stabilities with minimum of thirty (30) days well be considered famely.  - If No period for reply specified above, such predicts above the specified above, such predicts and the specification to become ABANDONED (35 U.S. 2, § 133).  - Feliate to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S. 2, § 133).  - The predicts of the specification is non-final.  - This action is FINAL.  - This action is FINAL.  - This action for allowance except for the formal matters, prosecution as to the merits is closed accordance with the practice under Ex parte Quay/e, 1935 C.D. 11; 453 O.G. 213.  - Disposition of Claims  - Claim(s)  - Craftified object of the specified in the specified in the specification of election requirement.  - Replication proposed drawing correction, filed on  - Stare allowed.  - The proposed drawing correction, filed on  - Stare -	Office Action Summers	10/04=,00	Nelso-	at it has					
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#### **DETAILED ACTION**

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-20, drawn to a cargo separating apparatus, classified in class 410,
     subclass 129.
  - II. Claims 21-24, drawn to a method of assembing a panel, classified in class 29, subclass 400.1+.
- 2. The inventions are distinct, each from the other because of the following reasons:

  Inventions I (claims 1+) and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make another and materially different product such as one not requiring at least a handle element.
- 3. The inventions are distinct, each from the other because of the following reasons: Inventions I (claims 6+) and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make another and materially different product such as one not requiring at least continuous and unperforated faces per se.

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 6. This application contains claims directed to the following patentably distinct species of the claimed invention: panel/edge configurations of figure 1B vs figure 8 vs figure 9 vs figure 10 vs figure 11 vs figure 12 vs figure 13.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 6 appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. Due to the complexity of the above restriction/election, the requirement is being submitted in written form to allow applicant ample time to address the issues raised.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556.

STEPHENT. GORDON PRIMARY EXAMINER

stg

March 27, 2003